



Governor's Community Outreach – Federal Programs Office (GCO-FPO)

**STOP/SASP/ICJR FAQs for Subgrant Award Condition:
Determination of Suitability to Interact with Minors**

August 2021
V1.0

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A. Applicability

1. Does this mean all my SANE nurses or counselors need to have background checks?

These requirements apply to all covered individuals that interact with any minor **in the course of activities under your grant** (employees paid by the grant, volunteers used as match under the grant, and volunteers or other employees supporting grant-covered activities). "Covered individual" means any individual who is expected, or reasonably likely, to interact with any participating minor under the parameters of your grant.

2. Does the background check include all staff in a health and social services department that can at one point have interaction with children or does the background check only pertain to providers that see minors as a client/patient?

These requirements apply to all covered individuals that interact with any minor **in the course of activities under your grant** (employees paid by the grant, volunteers used as match under the grant, and volunteers or other employees supporting grant-covered activities). "Covered individual" means any individual who is expected, or reasonably likely, to interact with any participating minor while conducting subgrant award activities.

3. Does this apply to staff only or volunteers as well?

These requirements apply to all covered individuals that interact with any minor **in the course of activities under your grant** (employees paid by the grant, volunteers used as match under the grant, and volunteers or other employees supporting grant-covered activities). So yes, it applies to volunteers, consultants, contractors, employees, trainers, trainees, etc., as well.

4. When someone covers for the grant position for vacations, etc., do they need to be checked as well? They wouldn't be getting paid under the grant.

Yes. These requirements apply to all covered individuals that interact with any minor **in the course of activities under your grant** (employees paid by the grant, volunteers used as match under the grant, and volunteers or other employees supporting grant-covered activities).

5. Does the requirement apply to staff and volunteers who only interact with people on the phone?

Interaction includes physical contact, oral and written communication. See [Section H](#) for [interaction](#) definition.

B. Types of Background Checks

1. Does the background check our office conducts count for this requirement?

Only if it complies with the federal requirements, specifically a fingerprint search.

2. Can you clarify if the background screening has to be a *federal* check or do local screenings meet the requirement if fingerprinting is added?

It MUST be a federal FBI fingerprint check. If the covered individual has lived, worked, or gone to school at any time in a different state in the last five years, the FBI fingerprint check will reveal that information. Entries in local registries may not necessarily appear in national registries and vice versa. Therefore, subgrantees must conduct local clearances and online screenings as required as well.

3. How do you get background checks for other states the employee lived in?

The FBI provides a report based upon their multi-agency database (federal, state, local agencies) for an \$18 fee. In this way, the criminal history of an individual will be revealed for each state in which the individual has lived, worked, or attended school during the past five years.

Additional information can be found at:

[FBI Services](#)

[FBI Identity History Summary Checks](#)

[FBI Identity History Summary Checks FAQ](#)

4. What organizations in Guam conduct fingerprinting for this purpose and what is their cost?

In coordination with GCOFPO, the Judiciary of Guam and the Guam Police Department have graciously agreed to provide this service free of charge to STOP, SASP and ICJR subgrantees, including SASP sub-awardees. Please do **NOT** go to GPD or JOG directly with your fingerprint requests. Contact GCOFPO with your organization's list of employees who will need fingerprint background checks. GCOFPO will then coordinate with GPD and JOG. Also note that other costs, such as the fingerprint card and mailing of the fingerprint card to the FBI, are not included. Fingerprint cards are available at a local printing company for \$2 per card.

C. How to Cover Expenses

1. Will subgrantees be able to utilize VAWA program funds to pay for fingerprinting?

Yes. All OVW grant programs may use their subgrant funds to cover related costs.

- 2. If fingerprinting is now required for all volunteers having contact with minors, will the cost for fingerprinting be a reimbursable expense on our grants?**

Yes.

- 3. What if our current budget does not allow for these charges?**

Subgrantees should conduct a cost analysis to determine the necessity, reasonableness, allowability, allocability, and appropriateness of the proposed cost and submit a budget adjustment and/or reprogramming request to GCO-FPO. Subgrantees should keep in mind that cumulative budget modifications and/or reprogramming requests should not exceed 10 percent.

D. Policies and Procedures

- 1. In reading the condition, it sounds like this is more than just requiring a background check (which we currently already do for all staff and volunteers). Am I reading it correctly, that they want a written policy stating an organization's suitability for working with minors?**

No. The requirement is that the organization has written policies and procedures *for making a determination regarding suitability for covered individuals relevant to the grant program to interact with minors*, and those policies and procedures must include all of the federal requirements.

See grant condition identified as [Appendix J.1](#).

- 2. Do we need to have our staff submit to an initial fingerprint background check every five years? Or every year (we run background checks annually on all staff and volunteers)?**

The fingerprint check is required every five years. Programmatic requirements may necessitate other actions with regard to sex offender registry name checks, etc.

- 3. How often do covered individuals need to be fingerprinted?**

A covered individual needs to have a fingerprint check conducted once every five years.

- 4. Should we be documenting the sex offender registry search results in our personnel and volunteer files?**

You are required to have documentation that the search was conducted, and this should be maintained in accordance with your document retention policies.

E. Waiver

1. **Is there an option for a waiver if the time it takes to get the FBI fingerprint check is long? I have heard of it taking 2 – 3 months in some cases.**

Please email gcofpo@guam.gov if you anticipate problems with compliance by August 31, 2021 for subgrantees operating any 2019 OVW grant programs or September 30, 2021 for subgrantees operating 2018 OVW grant programs.

F. Certification

1. **Do we just have to let you know that we are in compliance, or do we actually have to send you the certification sheets?**

OVW requires that GCO-FPO monitor subgrantee compliance. Therefore, subgrantees will be required to identify individuals deemed suitable to interact with minors and certify that background and registry checks have been completed. See [Appendix J.2](#).

G. Other Fingerprinting Questions

1. **There is a box on the fingerprint card "Reason Fingerprinted." How should we answer?**

Select or indicate "Job Requirement."

2. **Can a STOP/SASP "covered individual" interact with a minor in the course of activities under the subgrant award without the FBI fingerprinting check?**

No. The only exception to this rule is if the minor is personally accompanied by a suitable adult pursuant to subgrantee written policies and procedures throughout the interaction process and that adult remains continuously within view and earshot of the covered individual.

3. **Can a covered individual such as a visitation monitor who has *no contact or interaction with a participating minor* conduct sporadic checks for documentation purposes?**

Yes. Please refer to [A1](#) and [H3](#).

4. **Would the assigned court marshal be considered as a covered individual?**

Please refer to [Section H](#), items [1](#), [2](#) and [3a](#) and [3b](#).

5. Is there a particular form that we need to submit for this suitability check?

Yes. Subgrantees will be required to comply with necessary FBI or related forms when obtaining fingerprinting checks. Additionally, subgrantees will need to submit a certification form to GCO-FPO. See [Appendix J.2](#).

6. Is the fingerprinting the only requirement to satisfy this subgrant award condition?

No. Subgrantee must ensure to apply its internal policies and procedures and comply with applicable federal and local laws. Subgrantees should visit national and local website/registries: [National Sex Offender Public Website](#); [Guam Family Violence Registry List](#); and the [Guam Sex Offender Registry](#), and print search results. Additionally, covered individuals should provide a police clearance and a court clearance.

The police clearance prepared by the Guam Police Department indicates criminal arrests and case dispositions. [Court clearance](#) indicates any charges and case dispositions.

7. If we have to do a background check, do you have guidance on how to go about that?

Internal policies may differ, and federal background check policies and/or processes may change. However, subgrantees may visit the [FBI website](#) for information and/or download the [FBI Identity Summary Checks guide](#), as well as the [OVW grant award conditions](#) page for guidance.

8. Prior to us coming into compliance with this condition, does this mean we are not able to provide STOP services under the 2019 STOP or just services to minors?

This subgrant award condition applies to covered individuals interacting with minors. Covered individuals may continue to serve other clients, as appropriate. Please refer to [Section H](#), items [1](#) and [2](#).

9. Is there another subgrant award condition that requires employment-related checks and/or verification?

Yes. Subgrantees must ensure that as part of the hiring process for any position that is or will be funded (in whole or in part) with subgrant award funds, the subgrantee properly verifies employment eligibility of the individual who is being hired, consistent with the provisions of [8 U.S.C. § 1324a\(a\)\(1\) and \(2\)](#). Subgrantees shall refer to respective MOUs and visit the [OVW website](#) to view the applicable general terms and conditions. See [Appendix J.3](#).

10. Will GCO-FPO be responsible for a biometric information breach?

No. While GCO-FPO has a breach policy for personally identifying information, GCO-FPO is unable to control the information collected by private, local and/or federal authorities.

11. Does the information in this document cover all OVW grant requirements?

No. Subgrantees should refer to respective contracts, [Appendix J.1](#) and [Appendix J.3](#).

H. Definitions

1. Covered Individual

Means any individual (other than a participating minor, as defined in this condition, or a client of the recipient (or subrecipient)) who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children). A covered individual need not have any particular employment status or legal relationship with the recipient (or subrecipient). Such an individual might be an employee of a recipient (or subrecipient), but also might be (for example) a consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.

2. Participating Minor

All individuals under 18 years of age within the set of individuals described in the scope section of this condition as it appears on the award document are participating minors.

3. Interaction

Includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. But "interaction" does not include –

- a. brief contact that is both unexpected by the recipient (or subrecipient) and unintentional on the part of the covered individual -- such as might occur when a postal carrier delivers mail to an administrative office.
- b. personally-accompanied contact -- that is, infrequent or occasional contact (for example, by someone who comes to make a presentation) in the presence of an accompanying adult, pursuant to written policies and procedures of the recipient (or subrecipient) that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.

4. Activities under the award

Whether paid for with federal funds from the award, "matching" funds included in the OJP-approved budget for the award, or "program income" for the award as defined by the (DOJ) Part 200 Uniform Requirements), activities under the award include both –

- a. activities carried out under the award by the recipient (or subrecipient); and
- b. actions taken by an entity or individual pursuant to a procurement contract under the award or to a procurement contract under a subaward at any tier.

5. Current and appropriation information

In addition to information resulting from a fingerprint check or screening required by applicable federal, state, tribal, or local law, and/or by the subgrantees written policies and procedures, current and appropriate information includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.

[National Sex Offender Public Website](#)
[Guam Family Violence Registry List](#)
[Guam Sex Offender Registry](#)

I. Local Printing Companies

The list below is not an exhaustive list. Subgrantees should consider conducting a broader search.

1. **American Printing**
646-7873
2. **Copy Express Guam**
646-2679
3. **Fast Copy Express**
472-2679
4. **Hafa Adai Printing**
649-6670

J. Appendices

1. [OVW Grant Condition: Determination of Suitability to Interact with Minors](#)
2. [Determination of Suitability to Interact with Minors Certification Form](#)
3. [Employment Eligibility Verification for Hiring Under the Award](#)
4. Unassigned
5. Unassigned

Appendix J.1 OVW Grant Award Condition: Determination of Suitability to Interact with Minors



United States Department of Justice

Office on Violence Against Women

Working Together to End the Violence

Award Condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors

1. Advance determination regarding suitability. The recipient (and any subrecipient at any tier) may not permit any covered individual to interact with any participating minor in the course of activities under the award, unless the recipient or subrecipient first has made a written determination of the suitability of that individual to interact with participating minors, based on current and appropriate information as described in paragraph 3.E., and taking into account the factors and considerations described in paragraph 4.

2. Updates and reexaminations

A. The recipient (or subrecipient) must, at least every five years, update the searches described in paragraph 3.E.1. and 2., reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination.

B. The recipient also must reexamine a covered individual's suitability determination upon learning of information that reasonably may suggest unsuitability and, if appropriate, modify or withdraw that determination.

3. Definitions

A. "Covered individual" means any individual (other than a participating minor, as defined in this condition, or a client of the recipient (or subrecipient)) who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children). A covered individual need not have any particular employment status or legal relationship with the recipient (or subrecipient). Such an individual might be an employee of a recipient (or subrecipient), but also might be (for example) a consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.

B. "Participating minor." All individuals under 18 years of age within the set of individuals described in the scope section of this condition as it appears on the award document are participating minors.

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C. "Interaction" includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. But "interaction" does not include--

(1) brief contact that is both unexpected by the recipient (or subrecipient) and unintentional on the part of the covered individual -- such as might occur when a postal carrier delivers mail to an administrative office.

(2) personally-accompanied contact -- that is, infrequent or occasional contact (for example, by someone who comes to make a presentation) in the presence of an accompanying adult, pursuant to written policies and procedures of the recipient (or subrecipient) that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.

D. "Activities under the award." Whether paid for with federal funds from the award, "matching" funds included in the OJP-approved budget for the award, or "program income" for the award as defined by the (DOJ) Part 200 Uniform Requirements), activities under the award include both --

(1) activities carried out under the award by the recipient (or subrecipient); and

(2) actions taken by an entity or individual pursuant to a procurement contract under the award or to a procurement contract under a subaward at any tier.

E. "Current and appropriate information"

In addition to information resulting from checks or screening required by applicable federal, state, tribal, or local law, and/or by the recipient's (or subrecipient's) written policies and procedures, current and appropriate information includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.

(1) Public sex offender and child abuse websites/registries

A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably-accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, including--

(a) the Dru Sjodin National Sex Offender Public Website (www.nsopw.gov);

(b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and

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(c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

(2) Criminal history registries and similar repositories of criminal history records

For each individual at least 18 years of age who is a covered individual under this FY 2019 award, a fingerprint search (or, if the recipient or subrecipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) -- encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories, including--

(a) the criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and

(b) the criminal history registry for each state in which he or she is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

4. Factors and considerations in determinations regarding suitability

In addition to the factors and considerations that must or may be considered under applicable federal, state, tribal, or local law, and under the recipient's (or subrecipient's) written policies and procedures, in making a determination regarding suitability, the recipient (or subrecipient) must consider the current and appropriate information described in paragraph 3.E.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the recipient (or subrecipient) may not determine that a covered individual is suitable to interact with participating minors in the course of activities under the award if the covered individual--

A. Withholds consent to a criminal history search required by this condition;

B. Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;

C. Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;

D. To the knowledge of the recipient (or subrecipient), has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the

following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):

- (1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
- (2) rape/sexual assault, including conspiracy to commit rape/sexual assault;
- (3) sexual exploitation, such as through child pornography or sex trafficking;
- (4) kidnapping;
- (5) voyeurism; or

E. Is determined by a federal, state, tribal, or local government agency not to be suitable.

5. Administration; rule of construction

A. The requirements of this condition are among those that must be included in any subaward (at any tier), and must be monitored. They apply as of the date of acceptance of this award, and throughout the remainder of the period of performance.

B. The recipient is to contact the DOJ awarding agency with any questions regarding the requirements of this condition and must not allow a covered individual to interact with a participating minor until such questions are answered.

C. Award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition, provided that such funds would not supplant non-federal funds that would otherwise be available for such costs.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal, state, tribal, or local law, including any applicable civil rights or nondiscrimination law.

Appendix J.2.

Determination of Suitability to Interact with Minors in OVW-Funded Projects.

DETERMINATION OF SUITABILITY TO INTERACT WITH MINORS IN OVW-FUNDED PROJECTS

GOVERNOR'S COMMUNITY
OUTREACH – FEDERAL PROGRAMS
OFFICE (GCO-FPO)



AGENCY FISCAL YEAR:

Agency Name	Project Name
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Pursuant to the Office on Violence Against Women award condition concerning the determination of suitability for certain individuals to interact with participating minors, all "covered individuals" (e.g., personnel, match personnel, volunteers, consultants, and contractors) who are expected, or reasonably likely, to interact with any participating minors must have a criminal background check and check of local and national public sex offender and child abuse websites/registries completed at least every five years and upon learning of information that reasonably may suggest unsuitability. The requirements and definition of "covered individuals" may be found at: <https://www.ojp.gov/funding/explore/interact-minors> or <https://www.justice.gov/ovw/award-conditions>.

Read the entirety of the Certification on page 2 and the award condition more fully described in the link before completing this form and performing the criminal background check and check of public sex offender and child abuse websites/registries.

This chart must be submitted to the GCO-FPO no later than January 31 and July 31 of each year for the previous six-month period. Use additional pages as needed. A chart must be completed and submitted that lists all covered individuals who are expected, or reasonably likely, to interact with any participating minors.

Individual Deemed Suitable to Interact with Minors	Relationship to Project: (OVW-Funded Employee, Match-Funded Employee, Volunteer, Consultant, Contractor)	Date of Completed Criminal Background Check	Date for Next Criminal Background Check	Date of Completed Sex Offender and Child Abuse Website/Registry Check	Date for Next Sex Offender and Child Abuse Website/Registry Check

DETERMINATION OF SUITABILITY TO INTERACT WITH MINORS IN OVW-FUNDED PROJECTS

Agency Name	Project Name
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Certification

I understand that criminal background checks and checks of public sex offender and child abuse websites/registries are required every five years and upon learning of information that reasonably may suggest unsuitability, and individuals will not be found suitable to interact with participating minors in the course of activities under the Violence Against Women Act (VAWA) or the Office on Violence Against Women (OVW) subgrant award if an individual:

- a.) withholds consent to a criminal history search required by this certified assurance;
- b.) knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
- c.) is listed as a registered offender on the [Dru Sjodin National Sex Offender Public Website](#), the [Guam Sex Offender Registry](#), and the [Guam Family Violence Registry](#) Websites; or
- d.) to my knowledge, has been convicted whether as a felony or misdemeanor under federal, state, tribal, or local law for any of the following crimes or any substantially equivalent criminal offense, regardless of specific words by which it may be identified in law:
 - 1.) sexual or physical abuse, neglect, or endangerment of an individual under 18 at the time of offense;
 - 2.) rape/sexual assault, including conspiracy to commit rape/sexual assault;
 - 3.) sexual exploitation, such as through child pornography or sex trafficking;
 - 4.) kidnapping;
 - 5.) voyeurism; or
 - 6.) is determined by a federal, state, tribal, or local government agency not to be suitable.

I, _____ (Executive Director or Authorized Official) certify that all the above-stated checks have been performed on the above-named individual(s) and the above-named individual(s), associated with the VAWA/OVW-funded project are designated as suitable to interact with participating minors within the VAWA/OVW-funded project pursuant to the conditions found at <https://www.ojp.gov/funding/explore/interact-minors> or at <https://www.justice.gov/ovw/award-conditions> and that the agency has complied with all the requirements more fully detailed in the aforementioned link.

Signature of Executive Director or Authorized Official	Print name of person signing	Date signed
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Appendix J.3. Employment Eligibility Verification for Hiring Under the Award



United States Department of Justice

Office on Violence Against Women

Working Together to End the Violence

Award Condition: Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. § 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. § 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. § 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

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4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. § 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the [E-Verify website \(https://www.e-verify.gov/\)](https://www.e-verify.gov/) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OVW, before award acceptance.

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